IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 24505 of 2003

Between:

N.Kistaiah S/o. Ramaiah
Ranga Reddy District.

..... PETITIONER

AND

1 The Chairman, The Hon'ble Industrial Tribunal-II,
Gaganvihar Buildings, Nampally,
Hyderabad.
2 The Rajendernagar Municipality Rep. by its Commissioner.
Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in dismissing the I.A.No.72/2003 in ID.No.59/2002 Dt:16-7-2003 is illegal, arbitrary and further direct the respondent municipality to produce the original proceedings Lr.No.C1/150/MCR/97, Dt:21-7-1999 and the Proc.Roc.No.12857/99-M2, Dated: 28-5-1999 of the Commissioner and Director of Municipal Administration before the Industrial Tribunal No.II, Hyderabad and further direct the Industrial Tribunal-II Hyderabad to mark them as exhibits and dispose of the ID on merits.

Counsel for the Petitioner: MR.P.RAGHAVENDRA REDDY

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2:Mr.R.Timma Reddy

The Court made the following:

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ORDER:

Challenging the order in I.A.No.72 of 2003 in I.D.No.59 of 2002, dated 16-07-2003, as illegal and arbitrary, the present writ petition has been filed.

The petitioner herein raised I.D.No.59 of 2002. He filed I.A.No.72 of 2003 to produce the original proceedings Lr.No.C/150/MCR/97, dated 28-05-1999, of the Commissioner, Rajendranagar Municipality-2nd respondent and the proceeding R.O.C.No.12857/99-M2, dated 21-07-1999 of the Commissioner and Director of Municipal Administration, which are under custody of the respondents. The said petition was dismissed basing on the memo filed by the respondents that the documents sought for were not maintained and the same has been mentioned in I.D. counter.

The learned counsel for the petitioner contended that these two documents are under the custody of the Commissioner, Rajendranagar Municipality. One is the letter dated 28-05-1999, addressed by the Municipal Commissioner, Rajendranagar, to the Commissioner and Director of Municipal Administration and another is the reply dated 21-07-1999 given by the Commissioner and Director of Municipal Administration to the Municipal Commissioner, Rajendranagar. For which, the 2nd respondent filed a counter stating that he is not maintaining any records pertaining to

the petitioner herein.

The learned counsel for the petitioner also stated that even the Municipal Commissioner also admitted about the existence of these two documents in Rajendranagar Municipality.

The observation made by the trial court is unwarranted in view of the fact that these two documents are admittedly under the custody of the Commissioner, Rajendranagar Municipality. Therefore, the petition ought to have been ordered by the trial court, since the documents are admittedly under the custody of the Municipal Commissioner, Rajendranagar Municipality, and as such the order under challenge does not contain any reasons at all. Hence, I.A.No.72 of 2003 filed by the petitioner is allowed.

Accordingly, the writ petition is allowed. No costs.

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18-07-2005

Note:

C.C. in one week

(B/o)

Prv

To

1 The Chairman, The Industrial Tribunal-II,
Gaganvihar Buildings, Nampally,
Hyderabad.
2 The Commissioner, Rajendranagar Municipality,
Ranga Reddy District.

3 Two CCs to G.P. for Labour, High Court of A.P., Hyderabad.

4 Two CD copies.

5 1 CC to MR.RAGHAVENDRA REDDY